

1 G. Thomas Martin, III., Esq. (SBN: 218456)
Krohn & Moss, Ltd.
2 10474 Santa Monica Blvd., Suite 401
Los Angeles, CA 90025
3 Tel: 323-988-2400
Fax: 866-802-0021
4 tmartin@consumerlawcenter.com
Attorneys for Plaintiff,
5 JILL VAN CLEAVE

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **SOUTHERN DIVISION**

11 JILL VAN CLEAVE,

12 Plaintiff,

13 v.

14 ASSOCIATED RECOVERY SYSTEMS aka
15 ARS NATIONAL SERVICES, INC.,

16 Defendant.

) Case No.: **CV09-07912 CAS (ANx)**

) **COMPLAINT AND DEMAND FOR**
) **JURY TRIAL**

) **(Unlawful Debt Collection Practices)**

17
18 **VERIFIED COMPLAINT**

19 JILL VAN CLEAVE (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the
20 following against ASSOCIATED RECOVERY SYSTEMS aka ARS NATIONAL SERVICES,
21 INC., (Defendant):

22 **INTRODUCTION**

- 23 1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15
24 U.S.C. 1692 *et seq.* (FDCPA).
25

1 2. Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection
2 Practices Act, *Cal. Civ. Code §1788 et seq.* (RFDCPA).

3 **JURISDICTION AND VENUE**

4 3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such
5 actions may be brought and heard before "any appropriate United States district court
6 without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court
7 supplemental jurisdiction over the state claims contained therein.

8 4. Defendant is located in and conducts business in the State of California, and therefore,
9 personal jurisdiction is established.

10 5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

11 6. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

12 **PARTIES**

13 7. Plaintiff is a natural person residing in Fountain Valley, Orange County, California.

14 8. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to
15 Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*
16 and *Cal. Civ. Code § 1788.2(h)*.

17 9. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)* and *Cal. Civ.*
18 *Code §1788.2(c)*, and sought to collect a consumer debt from Plaintiff.

19 10. Defendant maintains a business office in Escondido, San Diego County, California.

20 11. Defendant acted through its agents, employees, officers, members, directors, heirs,
21 successors, assigns, principals, trustees, sureties, subrogees, representatives, and
22 insurers.

23 **FACTUAL ALLEGATIONS**

24 12. Defendant constantly and continuously places collection calls to Plaintiff seeking and
25 demanding payment of an alleged debt.

1 13. Defendant calls Plaintiff and requests that Plaintiff return the call to the following
2 numbers: 800-345-3045, 800-909-9056.

3 14. Defendant calls Plaintiff's telephone number and the caller ID displays 714-912-8472.

4 15. Defendant calls Plaintiff at 714-963-6389.

5 16. Defendant calls Plaintiff and only states that "ARS" is the caller.

6 17. On May 07, 2009, Defendant's representative, "Jay Ross," called Plaintiff at 7:30 a.m.

7 18. During the call on May 07, 2009, "Jay Ross" gave Plaintiff the impression that he was a
8 lawyer and informed her that the bank would settle for \$3,400.00 otherwise he would
9 take other legal action. "Jay Ross" is not, in fact, a lawyer.

10 19. "Jay Ross" informs Plaintiff that he can be reached at 800-909-9056, extension 4052.

11 20. Plaintiff has informed "Jay Ross" on multiple occasions that she is working with a debt
12 settlement company and requests that Associated Recovery Systems communicate
13 directly with it, however, "Jay Ross" informs Plaintiff that he will only continue to call
14 her.
15

16 **COUNT I**
17 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

18 21. Defendant violated the FDCPA based on the following:

19 a. Defendant violated §1692c(a)(1) of the FDCPA by communicating with Plaintiff
20 prior to 8 o'clock a.m. when Defendant called Plaintiff on May 07, 2009 at 7:30
21 a.m., local time at Plaintiff's location.

22 b. Defendant violated §1692d of the FDCPA by engaging in conduct of which the
23 natural result is the abuse and harassment of the Plaintiff.

24 c. Defendant violated §1692d of the FDCPA by causing a telephone to ring or
25 engaging the Plaintiff in telephone conversation repeatedly with the intent to

1 annoy, abuse and/or harass the Plaintiff because Defendant refuses to
2 communicate with Plaintiff's debt settlement company and insists on continuing
3 to call her.

4 d. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without
5 meaningful disclosure of the caller's identity because Defendant calls Plaintiff
6 and only states that "ARS" is the caller, not "Associated Recovery Systems."

7 e. Defendant violated §1692e(3) of the FDCPA when Defendant's representative,
8 "Jay Ross," called Plaintiff and falsely implied that he is an attorney requesting
9 to settle the case on behalf of the original creditor on May 07, 2009.

10 f. Defendant violated §1692e(5) of the FDCPA when Defendant's representative,
11 "Jay Ross," threatened legal action against Plaintiff if she did not settle for the
12 amount of \$3,400.00 on May 07, 2009.

13 g. Defendant violated §1692e(10) of the FDCPA by using false and deceptive
14 means in the attempt to collect a debt because Defendant's representative, "Jay
15 Ross," falsely implied that he was a lawyer when discussing settlement with
16 Plaintiff.

17 h. Defendant violated §1692e(10) of the FDCPA by using false and deceptive
18 means in the attempt to collect a debt because Defendant places telephone calls to
19 Plaintiff and only states that "ARS" is the caller.

20 i. Defendant violated §1692e(14) of the FDCPA by using "ARS" to identify itself
21 and not "Associated Recovery Systems" or "ARS National Services, Inc.," the
22 true names of the Defendant's business.
23
24
25

1 WHEREFORE, JILL VAN CLEAVE, respectfully request judgment be entered against
2 Defendant, ASSOCIATED RECOVERY SYSTEMS aka ARS NATIONAL SERVICES, INC.,
3 for the following:

4 22. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection
5 Practices Act,

6 23. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15
7 U.S.C. 1692k,

8 24. Actual damages,

9 25. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
10 15 U.S.C. 1692k

11 26. Any other relief that this Honorable Court deems appropriate.

12
13 **COUNT II**
14 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**
15 **PRACTICES ACT**

16 27. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as
17 the allegations in Count II of Plaintiff's Complaint.

18 28. Defendant violated the RFDCPA based on the following:

19 a. Defendant violated §1788.11(b) of the RFDCPA by placing telephone calls
20 without disclosure of the caller's identity because Defendant's representative
21 incorrectly identifies the agency s/he represents.

22 b. Defendant violated §1788.11(d) of the RFDCPA by causing a telephone to ring
23 continuously to annoy the Plaintiff.

24 c. Defendant violated §1788.11(e) of the RFDCPA by communicating with Plaintiff
25 with such frequency as to be unreasonable and to constitute harassment to the
Plaintiff.

1 d. Defendant violated §1788.13(b) of the RFDCPA by falsely representing that any
2 person is an attorney.

3 e. Defendant violated §1788.13(j) of the RFDCPA by falsely representing that a
4 legal proceeding will be instituted unless Plaintiff made a \$3,400.00 payment.

5 f. Defendant violated the §1788.17 of the RFDCPA by continuously failing to
6 comply with the statutory regulations contained within the FDCPA, 15 U.S.C. §
7 1692 et seq.

8 WHEREFORE, Plaintiff, JILL VAN CLEAVE, respectfully requests judgment be
9 entered against Defendant, ASSOCIATED RECOVERY SYSTEMS aka ARS NATIONAL
10 SERVICES, INC., for the following:

11 29. Declaratory judgment that Defendant's conduct violated the Rosenthal Fair Debt
12 Collection Practices Act,

13 30. Statutory damages of \$1,000.00 pursuant to the Rosenthal Fair Debt Collection Practices
14 Act, *Cal. Civ. Code §1788.30(b)*,

15 31. Actual damages,

16 32. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection
17 Practices Act, *Cal. Civ Code § 1788.30(c)*, and

18 33. Any other relief that this Honorable Court deems appropriate.

19 **DEMAND FOR JURY TRIAL**

20 PLEASE TAKE NOTICE that Plaintiff, JILL VAN CLEAVE, demands a jury trial in
21 this case.

1 RESPECTFULLY SUBMITTED,

2 DATED: October 27, 2009

KROHN & MOSS, LTD.

3
4 By:



5 G. Thomas Martin, III.
6 Attorney for Plaintiff
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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF CALIFORNIA

Plaintiff, JILL VAN CLEAVE, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, JILL VAN CLEAVE, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 10/22/09


JILL VAN CLEAVE

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Christina A. Snyder and the assigned discovery Magistrate Judge is Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

CV09 - 7912 CAS (ANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JILL VAN CLEAVE

PLAINTIFF(S)

v.

ASSOCIATED RECOVERY SYSTEMS aka ARS
NATIONAL SERVICES, INC.

DEFENDANT(S).

CASE NUMBER

CV09-07912 CAS (ANx)**SUMMONS**TO: DEFENDANT(S): ASSOCIATED RECOVERY SYSTEMS aka ARS NATIONAL SERVICES, INC.

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, G. THOMAS MARTIN, III., whose address is Krohn & Moss, Ltd.; 10474 Santa Monica Blvd., Suite 401; Los Angeles, CA 90025. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

OCT 29 2009

Dated: _____

By: _____

ROLLS ROYCE PASCHAL

Deputy Clerk

(Seal of the Court)



1144

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) JILL VAN CLEAVE	DEFENDANTS ASSOCIATED RECOVERY SYSTEMS aka ARS NATIONAL SERVICES, INC.
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Krohn & Moss, Ltd.; G. Thomas Martin, III. 10474 Santa Monica Blvd., Suite 401; Los Angeles, CA 90025 (323) 988-2400	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td></td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF		<input type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF																				
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Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify):
☐ 6 Multi-District Litigation
☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 15 USC 1692 et seq.; Unlawful and Abusive Debt Collection Practices

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) (405(g)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: CV09-07912 CAS (AN)

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County (CA)	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
San Diego County (CA)	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County (CA)	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  **Date** October 27, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))